

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

ROHAN MARSHALL,

Petitioner,

-against-

9:07-CV-430
(LEK/VEB)

THOMAS WIGGER, WILLIAM CLEARY, and
the U.S. DEPARTMENT OF HOMELAND
SECURITY, IMMIGRATION and CUSTOMS
ENFORCEMENT

Respondents.

DECISION AND ORDER

This matter comes before the Court following a Report-Recommendation filed on June 25, 2008, by the Honorable Victor E. Bianchini, United States Magistrate Judge, pursuant to 28 U.S.C. § 636(b) and L.R. 72.3(c) of the Northern District of New York. Report-Rec. (Dkt. No. 7).

Within ten days, excluding weekends and holidays, after a party has been served with a copy of a Magistrate Judge's Report-Recommendation, the party "may serve and file specific, written objections to the proposed findings and recommendations," FED. R. CIV. P. 72(b), in compliance with L.R. 72.1. No objections have been raised in the allotted time with respect to Judge Bianchini's Report-Recommendation. Furthermore, after examining the record, the Court has determined that the Report-Recommendation is not subject to attack for plain error or manifest injustice.

Accordingly, it is hereby

ORDERED, that the Report-Recommendation (Dkt. No. 7) is **APPROVED** and

ADOPTED in its **ENTIRETY**; and it is further

ORDERED, that the Petition for a writ of habeas corpus (Dkt. No. 1) is **DENIED** and **DISMISSED**; and it is further

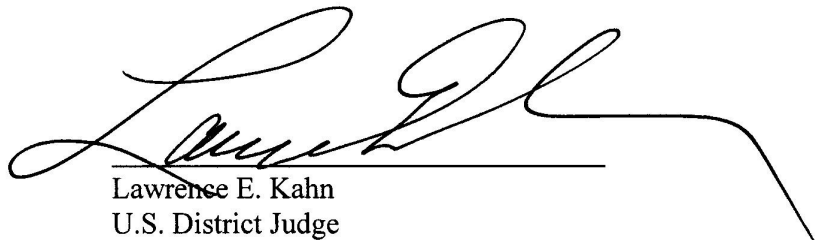
ORDERED, that Respondent's Motion requesting removal of Respondent Wigger (Dkt. No. 3) is **GRANTED**; and it is further

ORDERED, that no Certificate of Appealability shall issue with respect to any of Petitioner's claims; and it is further

ORDERED, that the Clerk serve a copy of this Order on all parties.

IT IS SO ORDERED.

DATED: July 17, 2008
Albany, New York



Lawrence E. Kahn
U.S. District Judge